

ORDINANCE NO. 2023-_____

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM EXEMPTION TO ROGUE VALLEY MICRODEVICES, INC.; SPECIFYING THE ITEMS EXEMPTED; PROVIDING THE START DATE AND THE EXPIRATION DATE OF THE EXEMPTION; FINDING THAT THE BUSINESS MEETS THE REQUIREMENTS OF SECTION 196.1995, FLORIDA STATUTES; PROVIDING FOR PROOF OF ELIGIBILITY FOR EXEMPTION FOR ROGUE VALLEY MICRODEVICES, INC.; PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, economic development and the creation of jobs are a priority of the Brevard County Board of County Commissioners; and

WHEREAS, the Brevard County citizens voted to provide economic incentives to new and expanding businesses in the November 2014 general election; and

WHEREAS, Rogue Valley Microdevices, Inc. (hereinafter RVM) has requested that the Board of County Commissioners exempt ad valorem taxes for real and tangible personal property added to Brevard County tax rolls at 2301 Commerce Park Drive NE, Palm Bay, FL 32905, Brevard County Property Appraiser Parcel Identification Number 28-37-14-00-289, more particularly described in Exhibit "A" (the "Property"); and

WHEREAS, RVM has informed Brevard County that it may either purchase the Property or lease the Property in the future; and

WHEREAS, the Economic Development Commission of Florida's Space Coast has recommended approval of the exemption for Rogue Valley Microdevices, Inc.; and

WHEREAS, the Property Appraiser has provided the Board of County Commissioners with its report as required by Section 196.1995(9), Florida Statutes; and

WHEREAS, it has been determined that Rogue Valley Microdevices, Inc., meets the requirements of Section 196.012(14), Florida Statutes for a new business in Brevard County; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA as follows:

Section 1. Recitals. The above recitals are true and correct and are incorporated by this reference.

Section 2. Chapter 102 entitled "Taxation"; Article IV entitled "Ad Valorem Property Taxation," of the Code of Ordinances of Brevard County, Florida shall be amended to include a new section 102-242 as follows:

- (a) An Economic Development Ad Valorem Tax Exemption is hereby granted to Rogue Valley Microdevices, Inc. (hereafter referred to as "the Company"), for:
1. Seventy percent a) of the assessed value of all improvements to real property made by or for the use of a new business (not to exceed the amount identified in the Company's application for exemption) as determined by the Property Appraiser for the first year after substantial completion of those improvements; and b) Seventy percent of the assessed value of all tangible personal property of such new business in place during that first year (not to exceed the amount identified in the Company's application for exemption), or
 2. 0 percent a) of the assessed value of all added improvements to real property made to facilitate the expansion of an existing business in the first year of assessment after substantial completion of those improvements (not to exceed the amount identified in the Company's application for exemption) and b) of the assessed value of the net increase in all tangible personal property acquired to facilitate such expansion of an existing business during that first year (not to exceed the amount identified in the Company's application for exemption).
- (b) The total amount of revenue available to the County from ad valorem tax sources for the current fiscal year is \$268,952,660.92; \$1,075,694.86 is lost to the County for the current fiscal year by virtue of exemptions currently in effect from previous years.
- (c) The tax exemption hereby granted shall be for a term of seven (7) year(s) commencing with the first year the new or expanded facility and tangible personal property are added to the assessment roll, and commencement of said exemption on real property is contingent upon the Company either (a) purchasing the applicable real property or (b) leasing the applicable real property and providing a pass-through letter to the Brevard County Property Appraiser and Brevard County Manager.
- (d) In accordance with the findings of the Board of County Commissioners and the Property Appraiser, the property hereby exempted from ad valorem tax exemption meets the definition of a new business, as defined by Section 196.012(14), Florida Statutes.
- (e) The Company shall submit to the County Manager at the beginning of each year an annual report providing evidence of continued compliance with the definition of a new business by creating and/or maintaining the anticipated jobs in the supplemental application for Brevard County's economic development ad valorem tax exemption program for each of the seven (7) year(s) during which the Company is eligible to receive ad valorem tax exemption. If the annual report is not received, or if the annual report indicates the Company, no longer meets the criteria of Section 196.012(14), Florida Statutes, or is not meeting the anticipated job creation goals in the supplemental application for Brevard County's economic development ad valorem tax exemption program, the County Manager shall make a report to the Board of County Commissioners for consideration of revocation of this Ordinance granting the tax exemption.

- (f) If the County Manager or designee receives written notice that the company qualifying for an ad valorem tax abatement under the authority of this ordinance has decided not to undertake or complete the new business or expansion of an existing business, including improvements to real property or acquisition of taxable tangible personal property, or has not timely provided the number of jobs qualifying the new business or expansion of an existing business for the ad valorem tax exemption granted under this section, the exemption granted shall be void, shall not take effect and shall not be implemented. If such a notice is received, the foregoing provision shall be self-executing and no further action of the Board of County Commissioners will be required to void the granted exemption. Upon the County's receipt of any such notice, the county manager or designee shall forward the notice to the Property Appraiser along with a copy of this subsection of the ordinance.
- (g) Upon discovery of the Company's failure to qualify for the ad valorem tax exemption granted by this ordinance, the Board of County Commissioners may revoke this Ordinance, and the company shall reimburse those County ad valorem taxes abated in favor of the Company for that period of time that it was determined that the Company no longer met the criteria of Section 196.012(14), Florida Statutes.

Section 3. Severability - If any provision of this Ordinance is held to be illegal or invalid, the other provisions shall remain in full force and effect.

Section 4. Effective Date - This Ordinance shall become effective immediately upon filing as provided by law. A certified copy of the Ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten days of enactment.

Section 5. Inclusion in Code - It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE, ORDERED AND ADOPTED in Regular Session this _____ day of _____, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Rachel Sadoff, Clerk

By: _____
Rita Pritchett, Chair

As approved by the Board on _____

EXHIBIT "A"

LEGAL DESCRIPTION — (PARCEL 2B): For a Point of Commencement, begin at the West one-quarter corner of Section 14, Township 28 South, Range 37 East, Brevard County, Florida; thence run S 89 degrees 32 minutes 47 seconds E a distance of 48.00 feet to a point on the Easterly right of way line of Lipscomb Street; thence run N 00 degrees 03 minutes 58 seconds E along said right of way line a distance of 691.12 feet to the Point of Beginning of the following described parcel; thence continue N 00 degrees 03 minutes 58 seconds E a distance of 611.12 feet to a point on the Southerly right of way line of Pacific Street; thence run S 89 degrees 29 minutes 29 seconds E along said right of way line a distance of 325.20 feet; thence run S 00 degrees 03 minutes 58 seconds W a distance of 610.81 feet to the Northerly right of way line of Commerce Park Drive; thence run N 89 degrees 32 minutes 47 seconds W along said Northerly right of way line a distance of 325.20 feet to the Point of Beginning. Containing 4.56 acres of land, more or less.